

January 1, 2008

**To: Federal Communications Commission**

445 12th Street, SW  
Washington, DC 20554

**From: Douglas B. Burlew**

Amateur Radio Service General Class Licensee KA3TGV  
43 Cedar Drive  
Lewistown, PA 17044

**Re: RM-11392**

**Commissioners:**

I, Amateur Radio Service General Class Licensee Douglas B. Burlew, respectfully request RM-11392 be denied. RM-11392 is a request for regulation by bandwidth within the Amateur Radio Service. Regulation by bandwidth is not compatible with a hobby radio service such as the Amateur Radio Service.

**Introduction:**

1.) The issues the petitioner addresses in RM-11392 exist and have the potential to diminish participation in the Amateur Radio Service by it's licensees. The problem of certain unattended digital mode transmitters in the Amateur Radio Service causing harmful interference to existing amateur communications, referred to in the petition as "inharmonious transmissions", is best dealt with by improved policing from the Commission and it's representatives, and by modifying 47C.F.R.97 to eliminate the regulatory environment that has allowed these inharmonious transmissions to flourish.

2.) Suggestions for your consideration, possibly to include:

- adopting more stringent rules concerning third party communications in the Amateur Radio Service,
- adding the transmission of email to the list of prohibited communications in

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- the Amateur Radio Service, and
- regulating the use of PacTOR III in the Amateur Radio Service to 28 megaHertz and above.

**Discussion:**

3.) The author of this petition has certainly done his homework and his grasp of the technicalities far exceeds my own. He is to be commended, but the requested remedy is excessively bureaucratic. Enumerated bandwidths cannot and will not work in a hobby radio service such as the Amateur Radio Service, and are inappropriate for use therein. Enumerated bandwidths are checked for compliance by trained personnel using the appropriate test equipment with current N.I.S.T.-traceable calibration certificates. Relatively few licensees in the Amateur Radio Service are properly trained to perform these measurements and have the required test equipment. The specific training required to perform these tests is not incorporated in the syllabi of any of the three written examinations for an Amateur Radio Service operator's license. If enumerated bandwidths are someday incorporated into 47C.F.R.97, then F.C.C. Certification (type acceptance) for transmitters used in the Amateur Radio Service becomes the remedy-by-default. This will have a transforming effect on the Amateur Radio Service, turning it into a radio service for use by untrained personnel. Hypothetically, F.C.C. Certification for transmitters used in the Amateur Radio Service could lead to further substantive reduction in the need for technical investigations and self-training in the radio art, part of the basis and purpose for the Amateur Radio Service, as expressed in 47C.F.R.97.

4.) There is a problem with 47C.F.R.97 in that the rules regarding third party communications have been relaxed over the years to the point of detriment to the Amateur Radio Service. This is the foundation on which certain poor amateur practices addressed by the petitioner have taken root and grown. Certain third party communications, and the lack of recordkeeping thereof, both of which are currently permissible under 47C.F.R.97, would have not been permitted under earlier versions of Part 97. It is probably not going to be practical for F.C.C. Amateur Enforcement to screen email transmitted on frequencies assigned to the Amateur Radio Service for inappropriate content. Rules regarding third party communications found in 47C.F.R.97 should be revisited and made more restrictive, as was formerly the case.

5.) There is language in 47C.F.R.97 concerning the prohibition of transmissions in the Amateur Radio Service that can reasonably be furnished by other services. I am specifically referring to the transmission of email on Amateur Radio Service frequencies. The Amateur Radio Service should not be a low cost alternative to a commercial company for the transmission of email, even on a low volume basis, and regardless of the purpose, excepting the case of an actual emergency.

6.) PacTOR III is a mode of digital communication that was developed for commercial use. It's 2.2 kiloHertz maximum bandwidth is such that it's use on crowded CW/RTTY/Data sub-bands is a very poor operating procedure, and one

that should be discouraged. PacTOR III should specifically be permitted only on the relatively uncongested CW/RTTY/Data sub-bands at 28 megaHertz and above, except in the case of a genuine emergency.

7.) There is a problem in the CW/RTTY/Data amateur sub-bands with automatically-controlled digital stations causing harmful interference to the existing user(s) of a particular frequency. This problem is not limited to amateur users of PacTOR III. The author of these comments regularly notices an AX.25 protocol packet radio gateway station operating outside of the automatically-controlled amateur sub-band of the particular band, operating a transmitter not using a listen-before-transmit protocol, and causing harmful interference to existing amateur radio communications. The bandwidth mask of a transmitting station causing harmful interference is irrelevant.

8.) Transmitters not employing listen-before-transmit protocols have a greater proclivity for causing harmful interference to existing amateur communications on a particular frequency than do stations having a means to listen for a clear frequency before transmitting. Transmitters without listen-before-transmit protocols belong in a commercial radio service on assigned carrier frequencies with the appropriate channel-guard between transmitter carrier frequencies. Failing this, automatically-controlled digital stations in the Amateur Radio Service have been confined to small band segments specifically for this purpose. This solution has only been partially successful, as automatically-controlled digital stations in these sub-bands not employing listen-before-transmit protocols interfere with one another. Amateur stations are required by 47C.F.R.97 to not cause harmful interference to the existing users of a particular frequency.

**Conclusion:**

9.) The Commission has as a possible course of action taking no action and dismissing the petition without prejudice. There is much in RM-11392 that is good, and the problems the petitioner identifies are real. Ending this proceeding without contemplating appropriate 47C.F.R.97 changes to mitigate the abuses of certain automatically-controlled digital stations in the Amateur Radio Service would constitute a lost opportunity. Lost opportunities have the tendency to create identifiable, and potentially substantial, opportunity costs.

Respectfully submitted, I am



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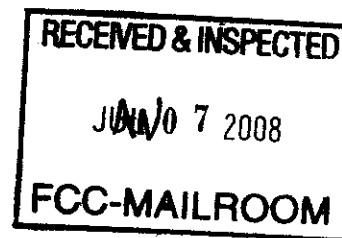
Marlene H. Dortch, Secretary

Federal Communications Commission

Office of the Secretary

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